

agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and shall set forth which licensee is to operate on each of the hours of the day throughout the year. Such agreement shall not include simultaneous operation of the stations. Each licensee shall file the same in triplicate with each application to the Commission for initial construction permit or renewal of license. Such written agreements shall become part of the terms of each station's license.

(2) The Commission desires to facilitate the reaching of agreements on time sharing. However, if the licensees of stations authorized to share time are unable to agree on a division of time, the Commission shall be so notified by statement to that effect filed with the application proposing time sharing. Thereafter the Commission will designate the application for hearing on any qualification issues arising regarding the renewal or new applicants. If no such issues pertain, the Commission will set the matter for expedited hearing limited solely to the issue of the sharing of time. In the event the stations have been operating under a time sharing agreement but cannot agree on its continuation, a hearing will be held, and pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.

(c) A departure from the regular schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission in Washington, DC.

(d) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraphs (a) and (b) of this section or to continue operating, the station may limit or discontinue operation for a period of not

more than 30 days without further authority from the Commission, *Provided*, That notification is sent to the Commission in Washington, DC no later than the 10th day of limited or discontinued operation. During such period, the permittee or licensee shall continue to adhere to the requirements of the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30-day period, the permittee or licensee will so notify the Commission in Washington, DC, of this date. If the causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, informal written request shall be made to the Commission in Washington, DC, no later than the 30th day for such additional time as may be deemed necessary. The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.

NOTE 1: For allocations purposes, both (all) stations sharing time will be treated as unlimited time stations.

NOTE 2: See §§ 73.1705, 73.1715, and 73.1740.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303))

[43 FR 39717, Sept. 6, 1978, as amended at 43 FR 45845, Oct. 4, 1978; 44 FR 3416, Jan. 19, 1979; 44 FR 65764, Nov. 15, 1979; 47 FR 54448, Dec. 3, 1982; 50 FR 13974, Apr. 9, 1985; 61 FR 18291, Apr. 25, 1996; 61 FR 28767, June 6, 1996]

§ 73.567 Determining operating power.

The procedures for determining operating power described in § 73.267 are applicable to noncommercial education FM stations.

[44 FR 58732, Oct. 11, 1979]

§ 73.593 Subsidiary communications services.

The licensee of a noncommercial educational FM station is not required to use its subcarrier capacity, but if it chooses to do so, it is governed by §§ 73.293 through 73.295 of the Commission's Rules regarding the types of permissible subcarrier uses and the manner in which subcarrier operations